

APPROVED: Meeting No. 27-91

ATTEST: *Sharon H. Gran*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 26-91

June 10, 1991

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on June 10, 1991, at 7:35 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepien

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The Farmer's Market opened on June 1, with an estimated 1,000 people passing through on opening day. Twenty-three farmers are currently registered for the season. The emphasis is on a growers' only market concept, and the Rockville market is listed in the Maryland Department of Agriculture's Guide to Growers' Only Markets in Maryland.

2. The City now has available for distribution a Cabin John Lake Project Report which contains the responses to and details regarding every issue which was raised at the public informational meeting.

3. Last week, at their annual meeting, we addressed the North Farm community on the Cabin John Lake project. A number of comments were received which will be taken into consideration as the decisionmaking process continues. A memorandum was forwarded

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to the Mayor and Council last week with a corrected copy distributed today. This memorandum details changes in the wetlands permitting process and describes an approach to be taken to keep all options open.

4. At its meeting on Wednesday, June 12, the Planning Commission will consider whether or not there should be a new street name for the new Ritchie Parkway under construction and whether or not the portion of Ritchie Parkway from Seven Locks Road to Glen Mill Road should be renamed.

5. With respect to the item on tonight's consent agenda regarding the National Chamber Orchestra, the purpose of this arrangement is to accomplish a goal of the Mayor and Council to achieve resident status for the Orchestra. The agreement provides that the National Chamber Orchestra will provide all concerts at the F. Scott Fitzgerald Theatre. The Orchestra, in return, shall receive the same low rate for rental as other resident groups and have priority in reserving dates. The City will purchase an acoustical shell which will be made available to the Orchestra for their performances at the theatre.

6. With respect to the recommended FY92 budget on the agenda for adoption tonight, we thank the Mayor and Council for the series of thoughtful worksessions. The budget, approximately \$49.8 million in operating and \$54.6 million in capital projects, will ensure maintenance of the same high level of governmental services while cutting the tax rate by one cent.

Re: Proclamation declaring June  
14, 1991, as **Flag Day**

Proclamation No. 14-91

By a unanimous vote of the Mayor and Council, June 14, 1991, was declared "Flag Day" in Rockville. Councilmember Robbins read the Proclamation, the full text of which can be found in Proclamation File No. 6 of the Mayor and Council. John Wooditch, Past Commander, American Legion Post No. 86, accepted the Proclamation.

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A Flag Day ceremony will be held at the Senior Center on June 14, at 1:00 p.m. All citizens are urged to pause at 7:00 p.m. on this date for the annual PAUSE FOR THE PLEDGE and recite with all Americans the Pledge of Allegiance to our Flag and Nation.

Re: Proclamation declaring the week  
of June 17-23, 1991, as **Amateur  
Radio Week** in Rockville

Proclamation No. 15-91

By a unanimous vote of the Mayor and Council, the week of June 17-23, 1991, was declared "Amateur Radio Week" in Rockville. Councilmember Marrinan read the Proclamation, the full text of which can be found in Proclamation File No. 6 of the Mayor and Council. Walt Ramsey of the Rock Creek Amateur Radio Association (RCARA) and Larry Ziecheck of the Maryland Apple Dumpling Radio Amateur Society (MADRAS) accepted the Proclamation.

Re: Legislative Briefing

State Senator Mary Boergers and Delegates Michael Gordon, Jennie Forehand and Kumar Barve briefed the Mayor and Council on the highlights of the 1991 General Assembly session and issues of concern to the City of Rockville.

Issues discussed by Senator Boergers included:

- o Program Open Space funding, the source of which is the transfer tax on property, is in jeopardy, and Senator Boergers indicated that she would work to ensure that the program remains viable in future years.
- o The transportation funding package will be determined at the special June 26 meeting, and it is anticipated that, with an increase in Motor Vehicle Administration fees, the State will be able to make full use of available federal matching funds.
- o The municipal infractions legislation was adopted and provides that any penalty which goes unpaid for 30 days becomes an immediate judgment.

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o As president of the Women's Caucus, she reported that mammography screening has been made a mandatory item for coverage by all health insurance providers. Additionally, legislation supporting the battered spouse syndrome was enacted to permit evidence to be entered of previous physical or psychological abuse of a defendant by the victim. Domestic violence has been added to the criteria for child custody decisions.

Prior to Delegate Gordon's presentation, Mayor Duncan announced that Mr. Gordon had been selected to receive the Maryland Municipal League's Distinguished Service Award which will be presented to Delegate Gordon at the fall legislative conference.

Delegate Gordon noted the following:

o The zoning variance standard bill initiated by the City of Rockville will allow local governments to use the practical difficulty standard as the applicable standard by which variances may be granted.

o The Ways and Means Committee unanimously rejected the proposed gas package because insufficient justification was provided by the Department of Transportation as to how the extra money would be spent. The legislature will consider, on June 26, the proposed Department of Motor Vehicles fees; however, the fees will be used only to support the commitment for federal funding.

o Other actions by the legislature included rejection of the \$800 million Linowes Commission tax package including a personal property tax on automobiles. Although no action was taken with respect to the 2020 Report, many of the recommendations have already been initiated in Rockville and in Montgomery County.

Delegate Barve commented that he had experienced a successful first session and noted the following:

o Through the passage of H.B. 182, restaurant establishments in the Rockville Town Center performance district are now eligible to obtain a liquor license.

o The Economic Matters Committee over the next few years will focus on insurance

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in the State of Maryland, encouraging the insurance industry to enforce fraudulent claims, and other consumer protection issues.

Among the Committee's accomplishments during the 1991 session were:

- o addition of another consumer commissioner to the Real Estate Commission along with streamlined operating procedures;
- o began work on legislation dealing with health maintenance organizations and prompt payment of bills;
- o registration and regulation procedures for third party administrators to prevent fraud and abuse of pension funds;
- o enactment of legislation to create a limited health benefits policy program for employed individuals who have no insurance; and
- o defeat of attempt to eliminate automobile insurance rating by geographic category.

As a member of the Program Open Space Committee, Delegate Jennie Forehand lamented the loss of funding for this program next year; however, the budget was thoroughly reviewed in order to make the needed \$5 million in cuts. Delegate Forehand noted that if the Linowes package had been adopted, the effect in Montgomery County would have been a tax of \$244 per person with only \$3.27 per person being returned to the County.

Other issues discussed by Delegate Forehand were:

- o Vehicle emissions program has been expanded to include several additional counties.
- o Three additional District Court Commissioners and one Circuit Court judge have been added in Montgomery County.
- o Authority has been established to ticket minors purchasing alcohol.
- o Regional scrap tire recycling systems were authorized to be financed by a recycling fund (\$1 fee on each new tire purchased).

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- o Funds are still available in the Main Street Improvement Program for which the City may wish to apply for one of its projects.
- o Low interest business loans for renovation, the goal of which is creation of jobs, are available.
- o The model infant-parent center will be opening at Children's Resource Center in Rockville this September.
- o Regarding the West Montgomery Avenue project, there is no word yet on State funding. The traffic light at Kersey Lane and Falls Road, however, is not being delayed because of funding problems.
- o The Health Department clinic at 50 Monroe Street and the Community Clinic have inadequate facilities, and help is needed to find new space for these centers in Rockville.

As Chairman of the Joint Committee on Management of Funds this year, Delegate Forehand looks forward to working with the City.

Mayor Duncan thanked Senator Boergers and the Delegates for all of the work they have done with respect to the West Montgomery Avenue project. In addition to Delegate Gordon receiving the Distinguished Service Award, Mayor Duncan noted that Senator Boergers is also being recognized by the Maryland Municipal League for her efforts in advancing municipal issues.

Councilmember Coyle expressed appreciation for the Delegation's efforts in securing the traffic signal at Maryland Avenue and Falls Road. Regarding Delegate Barve's comments on health insurance, the National League of Cities is looking at this whole issue and has done quite a bit of research. In its research, the NLC found that there were over 750,000 residents in Phoenix without health insurance. Delegate Barve assured Councilmember Coyle that they will continue to aggressively pursue this issue.

Discussion followed regarding the interstate banking issue. Delegate Barve

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noted that we have to make sure we learn from the mistakes made around the country. Senator Boergers expressed concern as to proposed federal legislation regarding interstate banking as it is critical to have local banks meet community needs.

With the census information available detailing the current socioeconomic and demographic patterns, Councilmember Coyle noted concern regarding training funds being made available to businesses who want to meet the employment needs of their potential workers. Delegate Forehand will be providing more information in this regard.

Councilmember Marrinan referenced the issue of the medically indigent. As the number of uninsured increases, others will have to pay proportionately higher amounts. This is forcing health insurance companies, including HMOs, to slow down payments to providers. Delegate Barve responded that there will be two days of hearings next week devoted solely to the HMO industry.

Delegate Gordon commented that there will also be a special session of the General Assembly on September 24 to deal with the redistricting issue.

Councilmember Robbins commented that Program Open Space has more impact in this community than others in the state inasmuch as the program has provided funds that helped build parks in the county. Although the transfer tax funds will be used to support the general fund of the state next year, Councilmember Robbins was assured that the City's representatives would continue to work to reinstate the program for future years.

Once again, Mayor Duncan thanked State Senator Mary Boergers, Delegates Mike Gordon, Jennie Forehand and Kumar Barve for their efforts and requested that they keep up the great work for the City of Rockville.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

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1. Rusty Wallace, 1205 Gladstone Drive, stated that the City has missed two deadlines to apply for the Community Partnership Grant to support drug prevention efforts in Lincoln Park.

The City Manager responded that he will inquire into this matter and report back to the Mayor and Council.

2. Betsy Johnson, 1523 Columbia Avenue, on behalf of her husband, Jay, noted two concerns with the proposed animal control ordinance:

a. The most important issue is to ensure the enforceability and collection of fines assessed against violators. Pet owners should be required to either pay the assessed fine or post bond pending appeal.

b. The alternative to the requirement that animals be on leash, AKC obedience training, is expensive and burdensome.

Mayor Duncan responded that the new ordinance resolves the fine problem for nuisance violations. For a first violation, a fine would be assessed, but a second violation would involve a mandatory hearing before the Animal Review Official. A third or fourth violation would result in revocation of the license. In terms of the leash requirement, this is a public safety issue. The burden of proof should be on the animal and owner to prove that the animal can safely be off-leash as opposed to waiting until an attack or incident occurs.

Mrs. Johnson was assured that her husband's comments would be considered.

3. Cora Alter, member of the Citizen Review Committee, responded to Mrs. Johnson that there is no requirement for AKC training; however, a dog who has received the AKC CD or CDX designation would not have to undergo any kind of test. The Committee wanted to ensure that the animals would behave in a manner to promote public safety.

In response to Councilmember Coyle's question regarding standards that would be set for training, Mrs. Alter commented that there may be AKC judges residing in



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Rockville and perhaps we can avail ourselves of this expertise to set the standards in the City. Councilmember Coyle expressed concern regarding the leash requirement for docile or generally obedient dogs. Because there have been so many offenses in the City, Mrs. Alter doesn't feel we can be as relaxed as in the past.

Councilmember Robbins questioned the expense of the testing and, with the use of volunteers, it was felt that the cost would be minimal. He also questioned how you would verify that the person accompanying the dog is authorized inasmuch as the tag is on the dog.

Councilmember Marrinan expressed a continuing concern with the leash requirement and the need for exercising dogs. Mayor Duncan noted that animals must be leashed only on public property.

4. Amy Vachon, Citizen Review Committee member, commented that the committee devoted a lot of time to the leash requirement and she is concerned that people view the requirement as a punishment. The committee carefully considered all comments from the public hearing, public forum and worksession. There is a concern about dogs being off leash; the Rottweilers were not on their owners' property when the attack occurred. The main thrust of the ordinance is to encourage responsible ownership.

Mayor Duncan indicated that the City is looking to lessen the number of incidents and that the effective date of the ordinance would be the first of September.

5. Mansfield Kaseman, 704 Carter Road, commended staff for working carefully with Community Ministries and the caregivers in developing this year's budget. It was a smooth and effective process and exemplifies the effective public-private partnership.

Rev. Kaseman also reported that there will be a dedication of the "Jefferson House," the City's first PLQ (personal living quarters) project on June 23.

Councilmember Coyle advised Rev. Kaseman that, at the last budget worksession, there was discussion regarding the implementation of a strategic plan for housing.

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There being no other citizens wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Cora Alter, Linda Buel and Amy Vachon (Alternate) were appointed to the Animal Control Board on a temporary basis until the effective date of the new Animal Control Ordinance (September 1, 1991).

Mayor Duncan commented that, as of September 1, 1991, the City would have a new Animal Matters Hearing Board and that Dorothy Perreca, currently serving on the Animal Control Board, has graciously agreed to serve on the new Board.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Terry Baker and Gloria Gridley were appointed to three-year terms on the Science and Technology Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, John Borden was reappointed to a two-year term on the Traffic and Transportation Commission.

Re: Approval of Minutes

Upon motion of Councilmember Robbins, duly seconded, with Councilmember Coyle abstaining, the minutes of Meeting No. 18-91 (May 9, 1991) were approved, as written.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 19-91 (May 13, 1991) were approved, as written.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the minutes of Meeting No. 20-91 (May 14, 1991) were approved, as written.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 21-91 (May 20, 1991) were approved, as written.

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Upon motion of Councilmember Hovsepian, duly seconded, with Councilmember Coyle abstaining, the minutes of Meeting No. 22-91 (May 21, 1991) were approved, as written.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the minutes of Meeting No. 23-91 (May 28, 1991) were approved, as written.

Re: Consent Agenda

Mayor Duncan requested the removal of Item D from the Consent Agenda and Councilmember Coyle requested the removal of Item I. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Award of Bid No. 44-91 for the purchase of one 22,000 lb. GVWR Stake Body Dump Truck with Lift Gate from the low bidder, Dovell & Williams, Inc., for \$31,673.62.

This purchase will provide a replacement truck for the Parks Division. Although the amount budgeted is \$30,000, there are sufficient funds available in the budget for this purchase.

- B. Award of Bid No. 83-91 for Refuse Collection to the low bidder, Laidlaw Waste Systems, Inc. of Gaithersburg, Maryland, in the amount of \$56,593.52.

This bid provides a contractual refuse collection program for FY92, with options for two additional years. The service includes collections at various municipal locations and Rockville Housing Authority locations. Funds in the total amount of \$77,000 are budgeted for this service.

- C. Award of Bid No. 87-91 for the repair of Water Treatment Plant filters by the low bidder, CPC Engineering Corporation, Sturbridge, Massachusetts, in the amount of \$78,320.

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The repair consists of replacing the filter sand and anthracite in the four Water Treatment Plant filters for the purpose of meeting new federal standards for reduced turbidity. Funding in the amount of \$90,000 has been budgeted for this work.

- E. Award of Contract ((RFP No. 2-92) to Atlantic Tech Services for Hewlett-Packard computer maintenance for the low bid amount of \$25,164.

This contract will provide repair and maintenance for the City's Hewlett-Packard computer equipment. Funding for this procurement is included in the FY92 appropriation in several accounts.

- F. Approval of contract for maintenance of the City's IBM computer equipment from IBM for FY92. This maintenance is in accordance with the five-year Mid-Range Service Amendment (MRSA).

Funding for this procurement in the amount of \$45,000 is included in the FY92 appropriation in several accounts.

- G. Approval of contract with IBM for the purchase of upgrade to IBM mainframe operating system from version 3.1 to version 4.0, in the amount of \$37,316.97.

Support for the current version 3.1 will terminate on June 28, 1991; therefore, the upgrade must be accomplished prior to this date. Funding for this upgrade is included in the FY91 Data Processing appropriation.

- H. Motion to approve the National Chamber Orchestra designation as a resident performing group at the F. Scott Fitzgerald Theatre commencing with the 1991-92 concert season. A six-year agreement has been

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negotiated which will mutually benefit the orchestra and Rockville residents.

The proposed agreement between the National Chamber Orchestra and the City has been reviewed and approved by the Recreation and Park Advisory Board and the Cultural Arts Commission.

- J. Adoption of Resolution No. 10-91, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, recognizing the 217th Anniversary of the "Hungerford Resolves."

On June 11, 1774, Maryland patriots met at Hungerford Tavern in Rockville to author the "Hungerford Resolves," declaring support for other colonial patriots and independence from Britain.

- K. Receipt of April financial reports.

The attached reports summarize the financial results of City operations for the period from July 1, 1990 through April 30, 1991.

- L. Introduction of Ordinance to comprehensively revise the provisions in the Rockville City Code relating to the control and maintenance of animals within the City by repealing in its entirety the existing Chapter 3, entitled "Animals" and enacting a new Chapter 3, entitled "Animals," regulating the keeping, control and maintenance of animals within the City, including but not limited to establishing duties and responsibilities of the owners of animals, prohibiting cruelty, providing for impoundment for rabies control, prohibiting dangerous animals within the City, regulating potentially dangerous animals, providing for the enforcement of said requirements and provisions and establishing penalties for violations thereof.

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Re: Award of Bid No. 1-92, Printing the Rockville Reports, including preparation for mailing, to V-Com Composition Co., Inc., for the low bid of \$25,624.90.

This contract is for printing 26 issues of Rockville Reports, including 12 eight-page editions. All editions will be printed on 100% recycled paper. Bid amount includes printing, bundling and delivery to the Post Office. The proposed FY92 budget includes sufficient funds for this purpose.

Mayor Duncan had requested that this item (D) be removed from the Consent Agenda in order to request information as to the other bids. It was agreed that this item would be placed on the June 24 agenda.

Re: Approval to enter into a Memorandum of Understanding between the Montgomery County Human Relations Commission and the City's Police Department.

This Memorandum of Understanding allows the Rockville City Police Department to have a positive and cooperative working and communication relationship with the County Human Relations Commission.

Councilmember Coyle had requested that this item (I) be removed from the Consent Agenda in order to commend Chief Treschuk and the City Manager regarding this agreement which forwards the City's concept of neighborhood policing.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, approval was granted for the City to enter into the Memorandum of Understanding between the Montgomery County Human Relations Commission and the City's Police Department.

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Re: Award of Art Commission in the  
amount of \$5,000 to Maureen  
Melville for artwork for the  
Boards and Commissions Room.

Ken Lechter, Chairperson of the Cultural Arts Commission, commented that this is the third piece of the art acquisition program for City Hall. A panel selected three semi-finalists, and the Cultural Arts Commission unanimously recommends to the Mayor and Council the selection of the art work by Maureen Melville.

Her proposal is to make fifty-six fused glass tiles which would together form a frieze of typical Rockvillians encircling the conference table. The tiles would each approximate 11 inches square, and they would cover the entire high soffit area around the conference table. Each tile would be a unique design. Fused glass tiles are made by cutting and fitting many small pieces of glass and then fusing them together on a glass base in a 1400 degree kiln. It is a permanent process. The tiles would be in bas-relief and made of a combination of Wasser and Bullseye glass which is both solid colored and patterned.

It was noted that Ms. Melville would like to receive proposals for special tile pieces.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Maureen Melville was awarded the art commission for the Boards and Commissions Room in the amount of \$5,000.

Re: Award of Art Commission in the  
amount of \$15,000 to Paul  
Daniel for Rockcrest Ballet  
Center and Park.

Mr. Lechter stated that three artists were selected for this site specific proposal from 36 slide submittals. Two hundred fliers were distributed door-to-door in the neighborhood to ensure citizen notification. The committee voted 7-1 for the proposal submitted by Paul Daniel: "The sculpture consists of a large stone approximately

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six feet by ten feet high. A steel tower eight feet high will emerge from one end of the stone, the other end will have a shallow depression for water. The top horizontal section of the metal piece will incorporate another stone and a plate of stainless steel. This portion will move gently in the breeze." Mr. Lechter went on to read the artist's description of the materials consisting of stone, steel, aluminum and stainless steel. The metal will be painted with a polyester powder baked-on coating.

Following discussion regarding Mr. Daniel's piece, questions were raised regarding another proposal, Blue Angel. Although this piece is more aesthetically pleasing, concerns were expressed regarding its safety. It was agreed that this award would be tabled to provide the Cultural Arts Commission with an opportunity to respond to specific questions of the Mayor and Council. The City Manager noted that as soon as the responses are available, this item will be placed on the agenda again.

Re: Adoption of Resolution to approve a temporary use permit application for operation of a carnival at 725 Rockville Pike, Rockville, Maryland, William F. Green, for Montgomery County Police Boys and Girls Club, Applicant.

Resolution No. 11-91

This resolution grants the temporary use permit requested for operation of a carnival at 725 Rockville Pike from June 19-23, 1991. The City Manager pointed out that some correspondence had been received regarding this matter and that the City's regulations would apply with the terms and conditions being incorporated into the approval. Following Councilmember Coyle's reference to the complaints of trash and debris at Barrister's Place, Mayor Duncan commented that these are the same complaints that had, in previous years, been received from the Ritchie Center shops. The City Manager stated that staff would do the most vigorous enforcement possible, however, given



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the nature of the operation, it is sometimes very difficult to do a 100% job of enforcement.

Mr. Green commented that the carnival has previously been very responsive to his requests. Mayor Duncan asked that Mr. Green be provided with copies of the complaint letters to make sure that employees are notified of the concerns of adjacent property owners. Councilmember Robbins was advised that the proceeds to the Montgomery County Boys and Girls Club from the carnival approximate \$20,000-\$25,000 annually.

Regarding the complaints of trash and debris, Councilmember Marrinan was advised that, immediately upon closing the carnival each evening, the carnival workers go out with trash bags and pick up the debris. In the past, Mr. Green has personally inspected the areas and found them to be clean.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Resolution No. 11-91, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to grant the temporary use permit for operation of a carnival at 725 Rockville Pike from June 19-23, 1991, subject to the conditions imposed by staff.

Re: Discussion and Instructions  
to Staff - Application to Close  
and Abandon Public Way SCA-  
62-91, Ward Corporation,  
Applicant

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, staff was instructed to prepare the necessary documentation to approve the abandonment of a portion of an unnamed public right-of-way located east of Southlawn Lane and north of Redgate Golf Course.

Re: Discussion and Instructions  
to Staff - Text Amendment  
Application T-111-90, Farid  
Srour, Applicant.

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The City Manager stated that staff had prepared more detailed information regarding the traffic impact (residential versus mixed-use development) which may result from approval of this application. This information was provided to the Mayor and Council as soon as it was available. The report prompted a few questions which are addressed in tonight's meeting materials in the form of a better interpretation of the comparison of new trips chart as well as information on comparable apartment unit sizes. Finally, the applicant was requested to supply some architectural information, and the panels on display this evening depict the elevation, architectural rendering and a colored site plan of the project.

Mayor Duncan noted that approval of the text amendment does not imply approval of this particular development; rather, it is approval of an optional method development review process setting forth certain standards to be met. In response to Councilmember Hovsepien, staff noted that approval of this text amendment would end the Mayor and Council involvement in any ensuing project. The Planning Commission would administer the project in the same manner as the optional method development in the RPC Zone.

There has been a lot of staff input, Planning Commission input and reaction from neighbors, and the applicant has done excellent work in the City in other developments. However, Councilmember Coyle noted that there has been talk about looking at the entire transitional zone concept as part of the new master plan process. His concern is that since the City would be looking at the transitional zone in a broader view during the master plan process, this is not the right time and place to implement such a change.

As to whether this decision would be subject to change again during the master plan process, staff advised Councilmember Hovsepien that there is a growing list of particular sites that staff has been asked to look at during the master plan process. A site such as this can be added to the list for review; however, staff has already been

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requested to look at the possibilities of adding residential use to any and all zones where it is proper to do so. There is a broad category of issues to be reviewed during the master plan process.

Councilmember Marrinan also expressed concern with approval of this application in light of the forthcoming master plan. City staff had a different recommendation from the Planning Commission which was clearly divided on this issue. Regarding the input from the community, there seems to be more misinformation than information, but there was a heightened level of concern regarding this project. For these reasons, he finds it difficult to vote in favor of this text amendment.

Although sharing the concern that the transitional zone may still be reevaluated during the master plan review, Councilmember Hovsepian indicated that she would like to see something like this in place. Staff did recommend 100 dwelling units per acre. A number of criteria would be required of developers seeking the higher density, but bonuses for additional affordable housing units were not included. She would like to see this requirement incorporated into the Planning Commission criteria for approval of additional units. Councilmember Hovsepian stated that there is a need for more housing, particularly affordable housing, in the City of Rockville. Discussion followed regarding the applicability of the MPDU ordinance to a project at this site.

Mayor Duncan agreed with Councilmember Hovsepian that the City should try to increase the level of housing. This proposal would replace office development with residential development which would be an improvement for the City. Mayor Duncan emphasized that a developer would have to apply to the Planning Commission for approval of the higher density under an optional method development review process which would ensure compatibility with the site. He supports the staff's recommendation of 100 units per acre rather than 125.

Councilmember Coyle reiterated his concern that the transitional zone should

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be reviewed in the broader context of the master plan process. As to other parcels in the O-1 Zone which would be affected by this text amendment, staff advised Councilmember Coyle that all of the parcels would not be subject to redevelopment and that staff had used the carnival grounds site, the largest of these parcels, for comparative tests.

Councilmember Hovsepian indicated that she is very impressed with figures staff has put together in terms of traffic and comparability of size of the proposed apartment units. Staff's traffic figures indicate that residential use would generate much less traffic than commercial.

Councilmember Marrinan questioned the economic viability of the project with the impact of MPDUs and a minimum of 100 units. Inasmuch as the City is close to dealing with the transitional zone in the context of a master plan, Councilmember Marrinan does not feel it is appropriate to move forward with approval of this text amendment at this time.

The City Manager commented that by passing this motion, staff would have an opportunity to put some of the concerns which have been raised in the text amendment form for Mayor and Council review.

Councilmember Coyle was advised by staff that they are not looking at analyzing or undoing the O-1 Zone. It has not been identified as a problem to be analyzed at this time; however, the general concept of transitions around Town Center is being analyzed.

In 1982, a major concern was commercial encroachment into residential neighborhoods, and Mayor Duncan noted that this same type of issue no longer is confronting neighborhoods in the City as a result of decisions made. The density issue needs to be resolved, and the standards, subject to Planning Commission approval, are a good controlling measure.

As to when the master plan would address this issue if the Mayor and Council did not move forward, Councilmember Marrinan was advised that the staff's version is in

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final draft form now. Following delivery to the Planning Commission, there will be a lengthy process of Planning Commission review. This review would result in development of a Planning Commission recommended plan which would be subject to public hearings and worksessions before the Planning Commission approves the plan and forwards same to the Mayor and Council.

Upon motion of Councilmember Hovsepian, duly seconded, with Mayor Duncan, Councilmember Hovsepian and Councilmember Robbins voting aye and Councilmember Coyle and Councilmember Marrinan voting no, staff was instructed to prepare the necessary documentation to amend the Zoning Ordinance to increase the multi-family dwelling unit density permitted in the O-1, Office Zone, from 60 to 100 units per acre, to include a development standard of density bonuses for additional MPDUs offered.

Re: Discussion and Instructions  
to Staff - Exploratory  
Application for Residential  
Townhouse Development RTH-11-  
91, James Impara, Applicant.

The City Manager noted that there have been a couple of items of correspondence regarding this matter which have been included in the briefing materials. Both the Planning Commission and staff have recommended conditional approval of the exploratory application.

In response to Mayor Duncan's question regarding the concern of converting garages into living quarters and how it would be enforced, staff advised that the homeowners association's covenants would have restrictive language that precludes conversion from garages to other uses. Such covenants would be enforced by the homeowners association or the City; the City has never had a problem of this type in other developments.

Councilmember Coyle learned from Mr. Impara that he intends to install sprinkler systems in these units, and this will provide useful data to the City as to

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the costs and effectiveness of such systems.

Councilmember Hovsepian noted that the Twinbrook Citizen Association opposed widening the pavement beyond 26 feet. Staff suggests there be a 36 foot dedicated right-of-way, and she questioned whether the road would be widened from its current 24 feet to 26 feet by the builder.

In referring to the Planning Commission recommendations, the applicant would dedicate a small amount of right-of-way. There would be no improvements made other than a sidewalk across his frontage. Any improvements would have to be authorized by the Mayor and Council at some future time. Staff is recommending that a minimum amount of right-of-way be dedicated that could accommodate a 36 foot pavement, if needed. Staff noted that the sidewalk would be placed into the site and would not be impacted by the issue of widening the road.

As to Councilmember Coyle's question regarding the parking standard for developments such as this, staff noted that there is a minimum requirement of 2.25 spaces per unit. The proposed development exceeds the requirements, including the garages; there are four spaces over the requirement and at least two more may be added.

Mayor Duncan inquired as to the purpose of the reserved right-of-way. Staff noted that it would leave the options open. The master plan suggests the road should not be widened, but it is a primary residential street by classification. Thus, there is a conflict of classification and use of the street versus the neighborhood master plan.

Councilmember Hovsepian moved to instruct staff to prepare the necessary documentation for approval of the exploratory application for a 15-unit residential townhouse development of properties at 5918 and 5922 Halpine Road in accordance with the recommendations of the Planning Commission. Said motion was duly seconded. Councilmember Hovsepian moved to amend the motion to delete the Planning Commission

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condition of dedication of sufficient right-of-way to permit the widening of Halpine Road, which motion was duly seconded and unanimously passed. The motion, as amended, was unanimously passed by the Mayor and Council.

Re: Adoption of Ordinance to amend Chapter 8, "Elections" of the Rockville City Code so as to provide for same day voter registration for City elections; to provide that a political committee or other organization may designate an affiliated political committee which would be subject to the campaign reporting requirements of the Code; to amend the provisions concerning limit of contributions to change the current limit from \$1,000 to \$500 for any single candidate and the total which may be contributed by an individual or organization in any election cycle from \$2,500 to \$1,000.

Ordinance No. 15-91

Councilmember Coyle indicated that this ordinance corrects a number of items of concern surrounding the term "political committee" versus "campaign committee." Mayor Duncan noted that this legislation brings Rockville to the forefront of election laws, in terms of election day registration, for cities of this size. Once again, the City is expanding the opportunities for people to vote.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the ordinance, as introduced, was amended to include the provision that the City voter rolls shall be closed 30 days before a City election. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 15-91, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted, as amended, to amend Chapter 8, "Elections" of the Rockville City Code to provide for same day voter

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registration, to provide for the designation of an affiliated political committee which would be subject to the campaign reporting requirements of the Code and to amend the provisions concerning limit of contributions.

Re: Adoption of Ordinance to Appropriate Funds and Levy Taxes for Fiscal Year 1992. The ordinance sets the appropriation level for each of the operating and capital funds for the fiscal year beginning July 1, 1991, and ending June 30, 1992. The proposed property tax rate is \$.82 per \$100 of assessed valuation, one cent less than in FY91.

Ordinance No. 16-91

It was noted that this is the City's lowest tax rate since 1968. Councilmember Hovsepien advised that an additional \$10,000 appropriation had been added to both the Rockville Emergency Assistance Program and the Home Health Care for the Elderly Program. Increased funding had also been approved for Hispanics United of Rockville and Rockville Arts Place will receive the entire \$75,000 funding request rather than the proposed \$65,000. Staff was commended for the fine work in preparing and printing the budget, and it was noted that the City is fortunate to have managed its assets and services extremely well.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, the Ordinance was amended to include all revisions made subsequent to introduction of the Ordinance as a result of the budget worksessions. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Ordinance No. 16-91, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted, as amended, to appropriate \$49,822,934 in FY1992 for the annual operating expenses of the departments and agencies of the City and to appropriate the total sum of \$27,261,000 in



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FY1992 for improvement projects. Said ordinance also provides for the levy of a tax against all assessable real and personal property within the corporate limits of the City a tax at the rate of \$.82 on each \$100 of assessable value of said property; provided, however, that all stock in business within the corporate limits of the City shall receive an exemption equal to eighty-two percent (82%) of assessable value of such personal property.

Re: Adoption of Ordinance to amend Chapter 24, "Water, Sewers and Sewage Disposal" of the Rockville City Code, Section 24-46, entitled "Water Consumption Charge."

Ordinance No. 17-91

Councilmember Hovsepien noted that there is a slight increase in the water consumption charge as a result of impact of the Clean Water Act; however, the City's rate is still lower than that charged by WSSC.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 17-91, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to increase the rate for water consumption from \$1.13 per 1,000 gallons to \$1.25 per 1,000 gallons, effective July 1, 1991.

Re: Adoption of Resolution to increase the refuse collection rate to \$22.00 per single family residence per month (\$264.00 per annum) for FY92.

Resolution No. 12-91

It was noted that there is a slight increase of \$1.70 per month per household as a result of recycling and an increase in the County's tipping fees. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Resolution No. 12-91, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was

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adopted to increase the refuse collection rate to \$22 per single family residence per month (\$264.00 per annum) effective July 1, 1991.

Re: FYI/Correspondence

Wrap-Up - Hometown Holidays

Mayor Duncan commented that a meeting would be scheduled in September with the Mayor and Council, Recreation and Park Advisory Board and staff to discuss and evaluate this year's event.

Summer Camp Registration

Mayor Duncan commented that the suggestions to improve the registration were excellent, especially the addition of more registration stations.

Apartment and Office Building Association Letter

Councilmember Coyle was advised that staff is preparing a response regarding development of a tax credit program.

Re: New Business

Councilmember Hovsepian noted that there is corrected information regarding Cabin John Lake and the permit process, and the Mayor and Council authorized the City Manager to pursue the approach outlined in order to keep the options open for the lake project. This information will be distributed to the Cabin John Lake mailing list. The City Manager emphasized that this action should not be construed as a commitment to construct the lake; it is merely a commitment to keep the options open.

Councilmember Coyle is working with the City Manager to provide an opportunity for a group coming into the National Emergency Training Center to be briefed by Rockville staff on the issue of mitigation and recovery, particularly stormwater management, and to visit some of our sites. Rockville is one of the few jurisdictions in the State of Maryland that has a plan for mitigation.

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Mayor Duncan expressed his appreciation to the staff for their efforts in making Hometown Holidays such a great event. A lot of positive feedback has been received.

The Public Safety Awards luncheon will be held tomorrow and, on Friday, there will be a Flag Day ceremony at 1:00 p.m. at the Senior Center.

Re: Next Meeting - June 24, 1991

The sponsors from Hometown Holidays will be presented with plaques and certificates of appreciation, and the items on tonight's agenda for discussion and instructions to staff will be on the agenda for further action on June 24.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 11:15 p.m., to convene again in General Session at 7:30 p.m. on June 24, 1991, or at the call of the Mayor.